

Exhibit Y

Rebecca Jones
January 04, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PREPARED FOOD PHOTOS, INC.
f/k/a ADLIFE MARKETING &
COMMUNICATIONS CO., INC.,

Plaintiff, Case No: 1:23-cv-11085-RGS

vs.

WENEEDAVACATION.COM, LLC

Defendant.

REMOTE DEPOSITION OF
REBECCA JONES

VOLUME 1 (Pages 1 - 138)

Thursday, January 4, 2024
9:04 a.m. to 1:31 p.m.

LOCATION: Remote via Zoom
Lincoln, Rhode Island

Stenographically Reported By:
Annemarie L. Grant, CCR-KY

Job No. 343017

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<p style="text-align: right;">Page 30</p> <p>1 Q. And are you prepared to testify today 2 about Number 25, "Financial statements, profit and 3 loss statements, net income statements, balance 4 sheets, financial forecasts, projections, internal 5 memoranda, ledgers, journals, bookkeeping entries and 6 business plans regarding received or expected revenues 7 in connection from the licensing, sale, or other 8 exploitation of PPP's library of photos from January 9 2019 to present"?</p> <p>10 MS. HAUSMAN: We objected to that. 11 And then Adrienne, I do think -- 12 unless I'm missing something -- it may have just been 13 a duplicate of 23. 14 MS. LOVE: It was. Yeah, you might be 15 right. I was just looking to see if it was just 16 directed -- 17 MS. HAUSMAN: I was looking to see if 18 there was any indication it was different, but... 19 MS. LOVE: Yeah. So 23 was just 20 directed to Clambake7, while 25 was directed to the 21 library of photos. 22 MS. HAUSMAN: Oh, okay. I see. Sorry 23 about that. 24 MS. LOVE: Yeah, no problem. 25 MS. HAUSMAN: We object either way, so</p>	<p style="text-align: right;">Page 32</p> <p>1 Food? 2 A. No. 3 Q. And did you review any documents in 4 anticipation of this deposition? 5 A. I did. 6 Q. What documents did you review? 7 A. The complaint, the answer, the initial 8 disclosures, and discovery documents. 9 Q. Did you just review the initial 10 disclosures or documents included in the initial 11 disclosures? 12 A. Just the initial disclosures. 13 Q. And what discovery documents did you 14 review? 15 A. There was the requests and the 16 answers, responses. 17 Q. And did you review any other documents 18 other than the legal documents, the legal responses 19 that Prepared Food filed? 20 A. I looked over some internal documents. 21 That was it. 22 Q. What internal documents did you look 23 at? 24 A. A spreadsheet that we keep of the 25 sightings.</p>
<p style="text-align: right;">Page 31</p> <p>1 yes. Sorry. 2 MS. LOVE: No problem. I didn't catch 3 it right away either there when we were talking about 4 it. 5 BY MS. LOVE: 6 Q. Number -- sorry. And today are you 7 prepared to testify about Number 26, "The specific 8 knowledge held by the persons identified in PPP's 9 Rule 26(a)(1) disclosures?" 10 A. (No audible reply.) 11 Q. Oh, Rebecca, I think you're on mute. 12 A. Sorry. Yes. Just realized that. 13 Q. No problem. 14 Okay. And are you prepared to testify 15 today about Number 27, "Prepared Food's search for 16 documents and materials responsive to WNV's first 17 request for production"?</p> <p>18 A. Yes. 19 Q. Okay. Now, I marked this as 20 Exhibit 1. I'm going to go ahead and stop the screen 21 share. And if we need to pull that back up, we will. 22 So what did you do to prepare for this 23 deposition? 24 A. I met with my attorneys. 25 Q. Did you meet with anybody at Prepared</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. What are the sightings? 2 A. When the researchers find -- like 3 their daily log basically. 4 Q. And how many years does the 5 spreadsheet go back? 6 A. We have a few different spreadsheets, 7 so I reviewed each of the spreadsheets back to 2016. 8 Q. And those spreadsheets, what did those 9 spreadsheets include? What information is on those 10 spreadsheets? 11 A. So unfortunately, the initial 12 spreadsheets don't contain as much information as the 13 ones from like 2019 forward. But they all contain 14 information such as the potential infringer's name, 15 address. I think it has the website URL. Yeah. 16 And then the ones from 2019 forward 17 contain the image name. 18 Q. And are these spreadsheets separated 19 by year? 20 A. Yes. No, I'm sorry. 2016 is its own; 21 2017 is its own. And then 2019 forward is all 22 combined. 23 Q. When -- in 2019 forward, are they 24 separated by tabs at the bottom by year? 25 A. No.</p>

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<p style="text-align: right;">Page 62</p> <p>1 subscriber agreement that we reviewed today, in terms 2 of pricing and term? 3 A. Yes. Yeah. 4 Q. And what do you think a fair market 5 value would be for a licensee to pay for one photo? 6 A. I don't know because we don't 7 calculate our library that way. 8 Q. But in your opinion, what do you think 9 it would be fair for a licensee to pay for one photo? 10 A. I don't know. 11 Q. And are you aware that PFP licensed 12 photos through a third party from 1997 to 2016? 13 A. Yes. 14 Q. And what company or companies did PFP 15 license those photos through? 16 A. iStock, which was also known as Getty. 17 And there was another company, had multiple names. 18 Multi-Ad is one name; it was also called Creative 19 Outlet, I believe. LSA is, I think, the same company 20 name. Yeah. 21 Q. Okay. So let's start with iStock. So 22 wait. Let me clarify. 23 So iStock and Getty are the same 24 company. And then there was one other company or two 25 other companies?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. -- of the sales that they got? 2 And what was that percentage? 3 A. I don't know the exact percentage. I 4 just know that there was a -- like a residual 5 percentage that we received off of what they reported 6 to us as the number of licenses. And they sent a 7 check. 8 Q. So they sent a report monthly? 9 A. Yes. 10 Q. And that report had a list of the 11 number of licenses that they had licensed in that 12 month; is that correct? 13 A. I'm not certain what was contained in 14 the report. 15 Q. Have you ever seen one of these 16 reports? 17 A. I have not. 18 Q. Does PFP still have these reports? 19 A. I'm not certain. 20 Q. And who would you ask to find out at 21 PFP about these reports? 22 A. Joel Albrizio. 23 Q. Was there ever any analysis done to 24 determine whether PFP could earn more money through 25 the subscriber agreement model than the iStock/Getty</p>
<p style="text-align: right;">Page 63</p> <p>1 A. One other company. 2 Q. Okay. One other company. And that 3 company was either Multi-Ad, Creative Outlet, or LSA 4 or -- 5 A. Correct. 6 Q. -- any combination of them at any 7 given time, right? Got it. 8 A. Correct. 9 Q. And let's start with iStock/Getty. 10 How much was a license through iStock/Getty for one 11 photo? 12 A. I don't know. Their -- their 13 subscription model is completely different from ours. 14 They had credits that you could purchase, I believe. 15 And -- yeah, theirs is completely different from ours. 16 Q. And how did they set -- how did the 17 relationship between PFP and iStock/Getty work? Did 18 you have some kind of contract with them? 19 A. We did. 20 Q. And what kind of profits did you earn 21 from the licensing of the PFP photos? 22 A. I don't know what you... 23 Q. In other words, did you have a 24 percentage -- 25 A. Yes.</p>	<p style="text-align: right;">Page 65</p> <p>1 image subscription model? 2 A. I don't know. 3 Q. Who would know that? 4 A. Joel Albrizio. 5 Q. And has PFP ever sold a photograph? 6 A. An individual photograph? 7 Q. Yes? 8 A. Not to my knowledge. 9 Q. And has PFP ever offered free 10 photographs? 11 A. No. 12 Q. Would it surprise you if they offered 13 free photographs before 2016? 14 A. Yes. 15 (Deposition Exhibit No. 5 was marked.) 16 MS. LOVE: Okay. I'm going to mark -- 17 I'm going to share my screen and mark a Wayback image 18 as Exhibit 5? Annemarie, is that correct? Am I on 19 Exhibit 5? 20 THE STENOGRAPHER: Yes, that's 5. 21 BY MS. LOVE: 22 Q. Okay. This is a Wayback image of 23 adlife.com. Can you see that, Rebecca? 24 A. Somewhat. It's a little bit -- yeah. 25 Q. I can zoom in on certain areas. So</p>